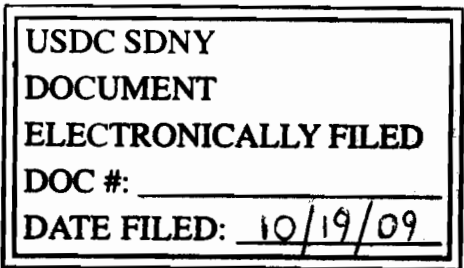


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
NOVOSHIP (UK) LIMITED, CALLY :
SHIPHOLDINGS INC., VITAL SHIPPING :
CORPORATION, and DAINFORD NAVIGATION : 07 Civ. 9876 (DLC)
INC., :
:
Plaintiffs, :
:
-v- :
:
WILMER RUPERTI, SEA PIONEER SHIPPING :
CORPORATION, and PMI TRADING INC., JOHN :
DOE (fictitious), AND JOHN DOE INC. :
(fictitious), :
:
Defendants. :
:
-----X

ORDER



DENISE COTE, District Judge:

On October 16, 2009, the U.S. Court of Appeals for the Second Circuit issued its decision in Shipping Corp. of India, Ltd. v. Jaldhi Overseas Pte Ltd., Nos. 08-3477 & 08-3758, 2009 WL 3319675 (2d Cir. Oct. 16, 2009), which held, inter alia, that "[b]ecause EFTs in the temporary possession of an intermediary bank are not property of either the originator or the beneficiary under New York law, they cannot be subject to attachment under Rule B." Id. at *11. Accordingly, it is hereby

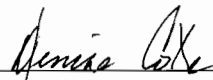
ORDERED that the November 7, 2007 attachment is vacated.

IT IS FURTHER ORDERED that the plaintiff shall by **October 26, 2009** advise this Court that it has so notified all garnishees and that it has secured the release of any restrained funds.

IT IS FURTHER ORDERED that the plaintiff shall show cause by **October 30, 2009** why this case should not be closed.

SO ORDERED:

Dated: New York, New York
October 19, 2009



DENISE COTE
United States District Judge